

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

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UNITED STATES OF AMERICA,	§	
Plaintiff	§	
	§	
v.	§	NO. 2:11-CV-214-J
	§	
Real Property located at 4801 Aberdeen	§	
Parkway, Amarillo, Texas;	§	
	§	
2003 BMW X5, VIN 5UXFA53593LV90017;	§	
	§	
and 2006 Pontiac GT Sedan,	§	
VIN 1G2ZH558364227961,	§	
Defendants <i>In Rem</i> .	§	

PLAINTIFF'S AGREED MOTION FOR FINAL JUDGMENT OF FORFEITURE

The Plaintiff United States of America ("the government") asks the court to enter a final judgment of forfeiture and states the following in support:

1. The government filed its complaint for forfeiture against the defendant property (a residence and two vehicles) on September 13, 2011, alleging that the property should be forfeited since it was derived from fraud proceeds [docket #1].
2. Arrest warrants *in rem* were issued for the two vehicles, and the United States Marshals Service reported on September 19, 2011 that the two vehicles were in its custody [docket #6 and #7]. On October 3, 2011, a copy of the forfeiture complaint (notice of the forfeiture action) was posted at the residence, as required by 18 U.S.C. § 985(c)(1)(B) [docket #8].

3. Notice of this forfeiture action was posted on an official government website ([www.forfeiture.gov](http://www.forfeiture.gov)) for at least 30 consecutive days, beginning September 15, 2011 and as required by Rule G(4)(a)(iv)(C) [docket #13]. Additionally, as required by Rule G(4)(b), on September 23, 2011, the government sent notice of this action and a copy of the forfeiture complaint to potential claimant Phyllis Buckley, via certified and regular U.S. mail [docket #14]. Ms. Buckley has not filed a claim to the defendant property or an answer to the complaint, and the District Clerk has entered default as to any interest she may have in the defendant property.

4. FirstBank Southwest (“FBSW”) filed a claim to the residence on October 14, 2011 [docket #9] and answered the complaint on November 2, 2011 [docket #10]. The government and FBSW entered into a stipulation in which government agreed to accept \$194,446.84 from FBSW in exchange for the government’s interest in the residence<sup>1</sup> [docket #12].

5. The deadline for filing claims to the defendant property (60 days after September 15, 2011, the first date of publication on [www.forfeiture.gov](http://www.forfeiture.gov)) has expired. Only FBSW has appeared concerning the residence, and no person or entity has appeared concerning the two vehicles. Therefore, any and all others’ interest in the two vehicles and the \$194,446.84 received from FBSW should be extinguished.

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<sup>1</sup> With the government’s consent, FBSW recently sold the residence, following its foreclosure action. Ms. Buckley did not contest the foreclosure.

6. The government, therefore, moves for entry of a final judgment, forfeiting the two vehicles and the \$194,446.84 to the government to be disposed of pursuant to law and the stipulation between FBSW and the government..

Respectfully submitted,

SARAH R. SALDAÑA  
United States Attorney

**/s/ John J. de la Garza III**  
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CERTIFICATE OF CONFERENCE

I certify that on or about March 14, 2012 I held a conference via electronic mail with Clint Latham, attorney for FBSW, and Will Miller, representative for FBSW, following their receipt of a copy of this motion and the accompanying proposed judgment, and that they are in agreement with this motion and the relief requested by it.

**/s/ John J. de la Garza III**  
Assistant United States Attorney

CERTIFICATE OF SERVICE

I certify that on March 14, 2012 I electronically filed this document with the Clerk for the United States District Court, Northern District of Texas, using the electronic case filing ("ECF") system. The ECF system will send a "Notice of Electronic Filing" to all parties/counsel who have consented in writing to accept the Notice as service of this document by electronic means.

**/s/ John J. de la Garza III**  
Assistant United States Attorney